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Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Steven Frank
File: B-240463
Date: March 22, 1991

DECISION

An Internal Revenue Service Certifying Officer asks whether Mr. Steven Frank may be reimbursed for legal fees incurred prior to accepting the services of a relocation company incident to a permanent change-of-station transfer. For the reasons stated below, we are returning the claim to the agency for further consideration.

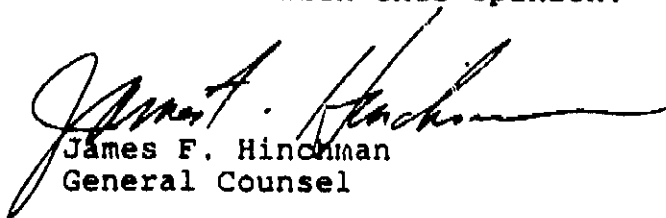
To assist in his relocation from New York City to Washington, D.C. in 1987, Mr. Frank chose to use the services of a relocation company. Prior to assigning the sale of his home to the company, Mr. Frank incurred \$350 in legal expenses for the preparation of a sales contract for his home. According to Mr. Frank, the relocation company to whom he assigned the sale of his home required such a contract. The relocation company's Final Closing Statement shows legal fees of \$750. However, that document does not show whether the company included those fees in its charges to the agency.

Under the statutes and regulations governing relocation expenses of transferred employees ^{1/}, employees may be reimbursed for the costs of preparing conveyances to the extent such costs have not been included in services for which reimbursement is claimed under other categories. The regulations prohibit reimbursement for services that are similar to those paid by an agency to a relocation company. FTR, para. 2-12.5b, Supp. 11, Aug. 27, 1984. Such companies commonly include the preparation of legal documents among their services. Accordingly, in Louis H. Schwartz, B-231485, Jan. 19, 1989, we refused to authorize the payment of legal fees to an employee who incurred the fees prior to choosing a relocation company. See also James T. Faith, 67 Comp. Gen. 453 (1988).

^{1/} 5 U.S.C. § 5724a (1982); Federal Travel Regulations para. 2-6.2.c, (Supp. 4, incorp. by ref., 41 C.F.R. §101-7.003 (1987). Aug 23, 1982.

In this case, the record does not include an itemized list of services provided by the relocation company. Therefore, we cannot determine whether the regulations described above bar reimbursement for the expenses Mr. Frank claims. However, we note that the claimant bears the burden of establishing his right to payment. 31 C.F.R. § 31.7 (1990). Therefore, if Mr. Frank can show that the legal services for which he claims reimbursement were not similar to those provided by the relocation company, he may be reimbursed for the expenses; otherwise, he may not.

Accordingly, the claim is returned to the agency for action consistent with this opinion.


James F. Hinchman
General Counsel